

**REMARKS**

Claims 1-7 and 10-24 are pending in the present application. Claims 2, 7 and 10-12 are rejected. Claims 13 and 14 are allowed.

Claim 1 has been amended to correct grammatical errors. Claim 10 has been amended to indicate that the ribonucleic acid is 100% complementary to SEQ ID NO: 5, i.e., to make that which is implicit, explicit. No new matter has been added by virtue of these amendments and entry is respectfully requested. Claims 3-4, 6-9 and 11-12 have been canceled to expedite prosecution and proceed to allowance. Cancellation of subject matter is not to be construed as surrender of any subject matter. Applicants hereby reserve the right to pursue any canceled subject matter in one or more continuation or divisional applications.

***Claim Rejections Under 35 U.S.C. § 112***

Claim 3 is rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement.

Claim 3 is rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention.

Applicants respectfully traverse. However, in order to compact prosecution and expedite allowance, Applicants have canceled claim 3. The Examiner's rejections regarding claim 3 are now moot. Cancellation of subject matter is not to be construed as surrender of subject matter. Applicants hereby reserve the right to pursue the canceled subject matter in one or more continuation or divisional applications.

In view thereof, Applicants respectfully request reconsideration and withdrawal of the instant rejection.

Claims 1-4, 6-7, 10-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants respectfully traverse.

Applicants have amended claim 1 to indicate that the nucleic acid molecule, is SEQ ID NOS: 1 or 5 and each of these sequences are transcribed into a MIR molecule i.e. the nucleotides transcribing MIR have SEQ ID NOS: 1 or 5. Applicants submit that the amendment has clarified the language so that the claim is not "indefinite." Claim 2 which depends on claim 1 should no longer be included in the rejection. Claims 4, 6, 7 and 11-12 have been canceled without prejudice or disclaimer. Claim 10 has been amended to indicate that the ribonucleic acid molecule which is complementary to a deoxyribonucleic acid sequence is fully complementary to the DNA. No new matter has been added by virtue of this amendment and its entry is respectfully requested.

In view thereof, Applicants submit that claims 1, 2, and 10 are allowable under 35 U.S.C. § 112, second paragraph.

Applicants respectfully request reconsideration and withdrawal of the instant rejection.

### CONCLUSION

In view of the foregoing, reconsideration and withdrawal of all rejections and allowance of the application is respectfully solicited. Applicants respectfully request entry of the foregoing amendments and remarks and reconsideration and withdrawal of all rejections. If there are any remaining issues or the Examiner believes that a telephone conversation with the Applicants' attorney would be helpful in expediting prosecution of this application, the Examiner is invited to call the undersigned at telephone number shown below.

Although, Applicants believe that no extensions of time are required with submission of this paper, Applicants request that this submission also be considered as a retroactive petition for any extension of time if necessary. The Commissioner for Patents and Trademarks is hereby authorized to charge the amount due for any retroactive extensions of time and any deficiency in any fees due with the filing of this paper or credit any overpayment in any fees paid on the filing or during prosecution of this application to Deposit Account No. 50-0951.

Respectfully submitted,

AKERMAN SENTERFITT



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